

Abstract

The diploma thesis concentrates on the topic of trademarks in the context of the economic competition. The first part of the thesis is devoted to the general perspective on the trademarks and to the national and international legislation regulating the usage of trademarks. The second part of the thesis analyses the function and usage the trademarks in the context of the economic competition.

The thesis is divided into 6 chapters. The first chapter focuses on the definition of the institute of a trademark and on its position in the system of intellectual property law. In addition, it provides an insight into the primary sources related to trademarks including the legislative norms and case-law. Moreover, the first chapter contains also a typological and functional classification of the trademarks and outlines the absolute and relative reasons for refusal to register a trademark and therefore for the denial to provide legal protection of this institute. The conclusion of the chapter is devoted to the various forms of expiry of the trademarks such as cancellation or expiration.

Chapter two concentrates on the impact of the legal institute of a trademark. In particular, it focuses on the rights and duties of the owner of a trademark including the limitations of the intellectual property law imbued in a trademark. Last but not least, the chapter addresses also the issue of exhaustion of the rights conferred by a trademark.

The third chapters is devoted to the registration of a trademark as the legal protection provided by the trademark generally emerges only after its registration. This chapter is divided into three parts which correspond to the three levels of trademark registration: national, European and international.

The fourth and fifth chapters concentrate on the function and use – and abuse – of trademarks in the context of the economic competition and, as such, present the core of the thesis. Chapter four is introduced by the explanation of the notion of economic competition. Then it provides an insight into the public part of the competition law. The fourth chapter analyses also agreements breaching the competition rules and the abuse of the dominant position on the market in the context of the trademark law.

The fifth chapter is devoted to the private law part of the economic competition i.e. unfair competition. The first part of this chapter outlines the notion of unfair competition and defines the participants. In addition, the chapter analyses the merits of the facts of the unfair competition and the means of protection of owner of the trademark.

The last chapter complements the available means of protection of trademarks in more detailed outlined in the previous chapters. The last chapter, however, concentrates on the public protection of the trademark in the context of the penal and administrative law.